

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

LORI L. STETZEL,)	
)	
Claimant,)	IC 02-005827
)	
v.)	
)	ORDER
YELLOWSTONE TRUCKING,)	
)	Filed November 10, 2005
Employer,)	
)	
and)	
)	
INSURANCE COMPANY OF THE WEST,)	
)	
Surety,)	
)	
Defendants.)	
)	

Pursuant to Idaho Code § 72-717, Referee Michael E. Powers submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant is entitled to payment of or reimbursement for all costs associated with her L4-5 fusion.
2. Claimant is entitled to the CT myelogram requested by Drs. Day and McNulty and whatever reasonable treatment recommendations, if any, arise from the results of the scan.
3. Claimant is entitled to payment of or reimbursement for Dr. Cheattle's treatment.
4. Claimant is not entitled to further total temporary disability benefits.
5. Claimant's average weekly wage is \$438.73.
6. Defendants are entitled to a credit for the overpayment of total temporary disability benefits based on Claimant's average weekly wage of \$438.73.

7. Claimant is entitled to a whole person permanent partial impairment rating of 20.5%.
8. The issue of Claimant's entitlement to permanent partial disability benefits is reserved.
9. The issue of apportionment pursuant to Idaho Code § 72-406 is moot.
10. Claimant's benefits will not be suspended or reduced pursuant to Idaho Code § 72-435.
11. Claimant is not entitled to an award of attorney fees pursuant to Idaho Code § 72-804.
12. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues

adjudicated.

DATED this 10th day of November, 2005.

INDUSTRIAL COMMISSION

_____/s/_____
Thomas E. Limbaugh, Chairman

_____/s/_____
James F. Kile, Commissioner

_____/s/_____
R. D. Maynard, Commissioner

ATTEST:

_____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of November, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

THOMAS B AMBERSON
PO BOX 1319
CDA ID 83816-1319

THOMAS MUNSON
PO BOX 199
BOISE ID 83701

_____/s/_____

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